

Appendix B

No Discrimination / No Harassment Policy

No-Discrimination Policy

The city provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, perceived or actual sexual orientation or gender identity, pro nouns, national origin, age, disability, genetic information, veteran's status, hair style or adornment, head coverings, or any other status protected by applicable federal, Oregon, or local law. This EEO policy applies to all aspects of the employment relationship – including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

No-Harassment Policy

The City of Newberg prohibits harassment of any kind in the workplace, or harassment or doxing outside of the workplace that violates its employees' right to work in a harassment-free workplace.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City related or sponsored trips (such as conferences or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of City's employees. Harassment is prohibited whether committed by City employees or by non-employees, such as elected officials, members of the community, and vendors.

Sexual Harassment

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature;

graphic, verbal commentary or questions about an individual's body, including actual or perceived sexual orientation and gender identity or pronouns, sexual prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or images; or discriminatory treatment based on sex, expressed or perceived orientation or gender identity. (This is not a complete list.)

Other Forms of Prohibited Harassment

Other forms of prohibited harassment under this policy and federal and Oregon law include harassment against an individual based on the individual's race, hairstyle, color, religion, national origin, age, actual or perceived sexual orientation, sexual identity or preferred pronouns, marital status, mental or physical disability, protected activity, protected leave during a health emergency, and any other status protected by applicable law.

Such harassment may include verbal, written or physical conduct that denigrates or shows hostility towards an individual because of any protected status, and can include:

- jokes, images (including drawings), epithets, or slurs;
- negative stereotyping;
- threatening, intimidating, or hostile acts that relate to a protected class; or
- written material or images that denigrates or shows hostility or aversion toward an individual or group because of the above protected status.

Bullying

The City of Newberg strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. The City, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of individuals, which is intended to intimidate and that creates a risk to the health, safety, and performance of the employee(s). Examples of bullying include:

1. Verbal Bullying: slandering, ridiculing, or maligning any person or their family; persistent name calling, nicknames, or tone which is hurtful; insulting, or humiliating; using a person or class of persons as the subject of jokes, teasing, abusive, and offensive remarks.
2. Physical Bullying: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: non-verbal threatening gestures, glances. Air quotes and other signs that can convey threatening messages.

4. Exclusion Bullying: professionally, socially, or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and work effectively with others may be viewed as bullying.
5. Cyber Bullying: Bullying and doxing, or inciting others to do so, using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools on social media sites, text messages, instant message, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing images, videos, or graphics, rumors sent by email or posted on social networking sites, creating fake profiles for or to bully and embarrass co-workers, Department Directors or Supervisors or Elected officials.

Complaint Procedure

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and bullying. Further, all employees are responsible for respecting the rights of others and strictly adhere to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or Human Resources, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

Employees are strongly encouraged to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop. Employees who have experienced any harassment, discrimination, or bullying, and are expected, and required to bring the matter to the attention of Human Resources or a Supervisor or Department Director as soon as possible.

In addition, any employee who observes any conduct that they believe constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to their Supervisor, Department Director or the Human Resources.

Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated, will be kept confidential to the extent possible while still supporting the City's duty to investigate and address the complaint. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate corrective action. Any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Protection against Retaliation

The City prohibits any type of retaliation against anyone who has made a good-faith complaint pursuant to this policy or the law, who has reported in good-faith harassing, discriminatory, or bullying conduct, or has participated in an investigation of such conduct. Any employee who is

found to have retaliated against anyone in violation of this policy will be subject to disciplinary action up to and including termination of employment.

Policy on Non-Retaliation

The City of Newberg prohibits any retaliatory action for reporting or inquiring about alleged improper or wrongful activity. All City employees, department directors, supervisors and elected officials are expected to report all information regarding alleged improper or wrongful activity that may constitute:

- Discrimination or harassment;&
- Fraud;
- Unethical or unprofessional conduct;
- Noncompliance with City policies/procedures;
- Circumstances of specific, or imminent danger to an employee, manager/supervisor, elected official;
- Circumstances that present specific danger or disregard of regulations, directives, or codes for employee or public health and safety;
- Violations of local, Oregon or federal laws, regulations; directives;
- Other illegal or improper practices or policies.

The City expects timely disclosure of such concerns and prohibits retribution or retaliation against anyone who in good faith reports such concerns. No employee, manager, or supervisor will be exempt from the consequences of misconduct or inadequate performance by reporting their own misconduct or inadequate performance.

Protection from Retaliation

Any applicant for employment, employee, department director, supervisor or elected official who, in good faith, reports such incidents as described above or other related unlawful or unethical conduct will be protected from retaliation of any type including exclusion, threats of retaliation, discharge, or other discrimination including but not limited to discrimination in compensation or terms and conditions of employment, professional opportunities, that occur because of the disclosure of such information. In addition, no City employee may be adversely affected because they refused to carry out a directive that violates health or safety directives and regulations, requested leave during a health emergency, constitutes fraud, violates anyone's civil rights, or is a violation of local, Oregon, federal or other applicable laws and regulations.

Reporting Process

Employees should make a timely report of improper activity as described above by contacting their immediate supervisor, department director or Human Resources. Any instances of alleged retaliation or retribution should also be reported in the same manner.

All reports will be handled as promptly and discreetly as possible, with facts made available only to those who need to know to investigate and resolve the matter.